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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
and Petition to Revoke Probation Against:

**JUDY CATHERINE VAN ARSDALE, AKA
JUDY PENG, AKA
JUDY C. VAN ARSDALE, AKA
JUDY CATHERINE PENG, AKA
JUDY CATHERINE VANARDELE, AKA
JUDY CATHERINE VAN ARDELE, AKA
JUDY CATHERIN VAN ARSDALE, AKA
JUDY CATHERINE VANARSDALE**
P.O. Box 501
Loma Linda, California 92354

Registered Nurse License No. 390017
Public Health Nurse Certificate No. 51000

Respondent.

Case No. 2009-230

OAH No. L-2009051042

**FIRST AMENDED ACCUSATION
AND PETITION TO REVOKE
PROBATION**

Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

PARTIES

1. Complainant brings this First Amended Accusation and Petition to Revoke Probation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (Board).

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1 **Registered Nurse License**

2 2. On or about August 31, 1985, the Board issued Registered Nurse License
3 Number 390017 to Judy Catherine Van Arsdale, also known as Judy Peng, Judy C. Van Arsdale,
4 Judy Catherine Peng, Judy Catherine Vanardele, Judy Catherine Van Ardele, Judy Catherin Van
5 Arsdale, and Judy Catherine VanArsdale ("Respondent"). The registered nurse license will
6 expire on September 30, 2009, unless renewed.

7 **Public Health Nurse Certificate**

8 3. On or about November 15, 1993, the Board issued Public Health Nurse
9 Certificate Number 51000 to Respondent. The public health nurse certificate will expire on
10 September 30, 2009, unless renewed.

11 **Prior Discipline**

12 4. Pursuant to the Decision and Order effective May 10, 2006, the Board
13 adopted the Stipulated Settlement and Disciplinary Order, in Case No. 2005-209, in which
14 Respondent's Registered Nurse License No. 390017 and Public Health Nurse Certificate No.
15 51000 were revoked. However, the revocations were stayed and Respondent's license and
16 certificate were placed on probation for a period of five (5) years with conditions. A copy of the
17 Decision and Order and Stipulated Settlement and Disciplinary Order is attached as **Exhibit A**
18 and is incorporated herein by reference.

19 **JURISDICTION**

20 5. Section 2750 of the Business and Professions Code ("Code") provides, in
21 pertinent part, that the Board may discipline any licensee, including a licensee holding a
22 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
23 section 2750) of the Nursing Practice Act.

24 6. Section 2764 of the Code provides, in pertinent part, that the expiration of
25 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
26 against the licensee or to render a decision imposing discipline on the license. Under Code
27 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
28 years after the expiration.

1 7. Code section 118, subdivision (b), provides, in pertinent part, that the
2 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
3 action during the period within which the license may be renewed, restored, reissued or
4 reinstated.

5 **STATUTORY PROVISIONS**

6 8. Code section 2761 states, in pertinent part:

7 The board may take disciplinary action against a certified or licensed
8 nurse or deny an application for a certificate or license for any of the following:

9

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the
record of the conviction shall be conclusive evidence thereof.

12 **COST RECOVERY**

13 9. Code section 125.3 provides, in pertinent part, that the Board may request
14 the administrative law judge to direct a licensee found to have committed a violation or
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
16 and enforcement of the case.

17 ***FIRST AMENDED ACCUSATION***

18 **CAUSE FOR DISCIPLINE**

19 **(Criminal Convictions)**

20 10. Respondent is subject to disciplinary action under Code section 2761,
21 subdivision (f), in that she was convicted of crimes substantially related the qualifications,
22 functions and duties of a registered nurse as follows:

23 a. On or about March 14, 2007, in the Superior Court of the San Bernardino
24 County, California, in the matter entitled *People of the State of California vs. Judy Catherine*
25 *Vanarsdale* (Case No. FSB054974), Respondent was convicted on her plea of guilty/no contest
26 of violating Penal Code section 666 (petty theft with priors), a felony. The circumstances of the
27 crime are that on November 9, 2005, Respondent was arrested for stealing a table from a Pier 1
28 Imports store. Respondent was sentenced to 120 days in jail and 36 months of supervised

1 occurrence. To permit monitoring of compliance with this condition,
2 Respondent shall submit completed fingerprint cards and fingerprint fees
3 within 45 days of the effective date of the decision, unless previously
4 submitted as part of the licensure application process.

5 If Respondent is under criminal court orders, including probation or
6 parole, and the order is violated, this shall be deemed a violation of these
7 probation conditions, and may result in the filing of an accusation and/or
8 petition to revoke probation.

9 14. Respondent's probation is subject to revocation because she failed to
10 comply with Probation Condition 3, referenced above. The facts and circumstances regarding
11 this violation are as follows:

12 a. Respondent failed to obey all state laws, in that on or about March 14,
13 2007 and September 10, 2009, she has been convicted of the crimes of shoplifting and burglary
14 respectively, and has violated the terms of her criminal probation/parole. Complainant refers to
15 and incorporates the allegations contained in paragraph 10, as though set forth fully.

16 b. Respondent failed to report to the Board in writing within 72 hours of her
17 shoplifting and burglary convictions, criminal probation/parole violations and/or arrests.
18 Complainant refers to and incorporates the allegations contained in paragraph 10, as though set
19 forth fully.

20 c. Respondent failed to complete the required fingerprinting process by the
21 original date of July 9, 2006; the second due date of October 17, 2006; the third due date of
22 October 24, 2006; the fourth due date of November 1, 2006; and, the final due date of April 12,
23 2007.

24 **SECOND CAUSE TO REVOKE PROBATION**

25 **(Failure to Report in Person)**

26 15. At all times after the effective date of Respondent's probation, Condition
27 5 states:

28 Report In Person. Respondent, during the period of probation, shall
appear in person at interviews/meetings as directed by the Board or its
designated representatives.

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1 16. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition 5, referenced above. The facts and circumstances regarding
3 this violation are that Respondent failed to appear in person for her meeting with a Board
4 representative on March 13, 2007, and April 3, 2008.

5 **THIRD CAUSE TO REVOKE PROBATION**

6 **(Failure to Submit Written Reports)**

7 17. At all times after the effective date of Respondent's probation, Condition
8 7 states:

9 Submit Written Reports. Respondent, during the period of probation, shall
10 submit or cause to be submitted such written reports/declarations and
11 verification of actions under penalty of perjury, as required by the Board.
12 These reports/declarations shall contain statements relative to
13 Respondent's compliance with all the conditions of the Board's Probation
14 Program. Respondent shall immediately execute all release of information
15 forms as may be required by the Board or its representatives.

16 Respondent shall provide a copy of this Decision to the nursing regulatory
17 agency in every state and territory in which she has a registered nurse
18 license.

19 18. Respondent's probation is subject to revocation because she failed to
20 comply with Probation Condition 7, referenced above. The facts and circumstances regarding
21 this violation are as follows:

22 a. Respondent failed to complete the required Data Report Form by the due
23 date of April 24, 2006. Respondent did not submit the form until October 17, 2006.

24 b. Respondent failed to submit the Live Scan Receipt by the original due
25 date of July 9, 2006; the second due date of October 17, 2006; the third due date of October 24,
26 2006; the fourth due date of November 1, 2006; and, the final due date of April 12, 2007.

27 c. Respondent failed to submit the following quarterly reports:

January 1, 2007 - March 31, 2007	due April 7, 2007
April 1, 2007 - June 30, 2007	due July 7, 2007
July 1, 2007 - September 30, 2007	due October 7, 2007
October 1, 2007 - December 31, 2007	due January 7, 2008
*January 1, 2008 - March 31, 2008	due April 7, 2008
*April 1, 2008 - June 30, 2008	due July 7, 2008
*July 1, 2008 - September 30, 2008	due October 7, 2008
October 1, 2008 - December 31, 2008	due January 7, 2009

1 *d. Respondent submitted reports for the quarters of January 1, 2008 - March
2 31, 2008, April 1, 2008 - June 30, 2008, and July 1, 2008 - September 30, 2008. The Board did
3 not receive the reports until November 3, 2008. On December 18, 2008, the Board requested
4 Respondent to re-submit these reports on the new forms provided, and to return the completed
5 reports by January 10, 2009. Respondent failed to return the reports by the new due date.

6 e. In the January 1, 2008 - March 31, 2008 and April 1, 2008 - June 30, 2008
7 quarterly reports, Respondent signed under penalty of perjury and answered "Yes" to the
8 question: "In this quarter have you obeyed all laws?" Respondent provided false statements in
9 these reports in that between March 3, 2008 to April 2, 2008, Respondent was taken into custody
10 for violation of her criminal probation/parole. On or about June 17, 2008, the criminal court
11 ordered Respondent to serve 240 days in jail for violation of her probationary term.
12 Complainant refers to and incorporates the allegations contained in paragraph 10, as though set
13 forth fully.

14 f. In the January 1, 2009 - March 3, 2009 quarterly report, Respondent
15 signed under penalty of perjury and answered "Yes" to the question: "In this quarter have you
16 obeyed all laws?" Respondent provided false statement in this report in that on or about
17 February 21, 2009, Respondent was arrested for second degree burglary of a commercial
18 structure. Complainant refers to and incorporates the allegations contained in paragraph 10, as
19 though set forth fully.

20 g. Respondent failed to provide the Board with a written explanation of her
21 reasons for not appearing at the probation meeting scheduled on March 13, 2007, and a written
22 explanation for not complying with the conditions of probation. Both explanations were due by
23 April 12, 2007.

24 **FOURTH CAUSE TO REVOKE PROBATION**

25 **(Failure to Comply with the Probation Program)**

26 19. At all times after the effective date of Respondent's probation, Condition
27 4 states:

28 ///

1 Comply with the Board's Probation Program. Respondent shall fully
2 comply with the terms and conditions of the Probation Program
3 established by the Board and cooperate with representatives of the Board
4 in its monitoring and investigation of the Respondent's compliance with
5 the Probation Program.

6 20. Respondent's probation is subject to revocation because she failed to
7 comply with Probation Condition 4, referenced above. The facts and circumstances regarding
8 this violation are that Respondent failed to comply with the Board's Probation Program, as more
9 particularly set forth in paragraphs 13 - 18 above.

10 **PRAYER**

11 **WHEREFORE,** Complainant requests that a hearing be held on the matters
12 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking the probation that was granted by the Board of Registered
14 Nursing in Case No. 2005-209 and imposing the disciplinary order that was stayed thereby
15 revoking Registered Nurse License No. 390017 and Public Health Nurse Certificate No. 51000,
16 issued to Judy Catherine Van Arsdale, also known as Judy Peng, Judy C. Van Arsdale, Judy
17 Catherine Peng, Judy Catherine Vanardele, Judy Catherine Van Ardele, Judy Catherin Van
18 Arsdale, and Judy Catherine VanArsdale;

19 2. Ordering Judy Catherine Van Arsdale, also known as Judy Peng, Judy C.
20 Van Arsdale, Judy Catherine Peng, Judy Catherine Vanardele, Judy Catherine Van Ardele, Judy
21 Catherin Van Arsdale, and Judy Catherine VanArsdale, to pay the Board of Registered Nursing
22 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
23 Professions Code section 125.3; and

24 3. Taking such other and further action as deemed necessary and proper.

25 DATED: 9/24/09

26 *Louise R. Bailey*
27 LOUISE R. BAILEY, M.ED., RN
28 Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JUDY CATHERINE VANARSDALE,
aka JUDY PENG,
aka JUDY C. VAN ARSDALE,
aka JUDY CATHERINE PENG,
aka JUDY CATHERINE VANARDELE,
aka JUDY CATHERINE VAN ARDELE,
aka JUDY CATHERIN VAN ARSDALE,
aka JUDY CATHERINE VAN ARSDALE

P.O. Box 501
Loma Linda, CA 92354

Registered Nurse License No. 390017
Public Health Nursing Certificate No. 51000

Respondent.

Case No. 2005-209

OAH No. L-2005060572

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective on May 10, 2006.

It is so ORDERED April 10, 2006.



FOR THE BOARD OF REGISTERED NURSING

1 BILL LOCKYER, Attorney General
of the State of California
2 ANNE HUNTER, State Bar No. 136982
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3 California Department of Justice
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6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2005-209

12 JUDY CATHERINE VANARSDALE,
aka JUDY PENG,
13 aka JUDY C. VAN ARSDALE,
aka JUDY CATHERINE PENG,
14 aka JUDY CATHERINE VANARDELE,
aka JUDY CATHERINE VAN ARDELE,
15 aka JUDY CATHERIN VAN ARSDALE,
aka JUDY CATHERINE VAN ARSDALE,

OAH No. L-2005060572

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 P.O. Box 501
17 Loma Linda, CA 92354

18 Registered Nursing License No. 390017
19 Public Health Nursing Certificate No. 51000

20 Respondent.
21

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
23 above-entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Complainant Ruth Ann Terry, M.P.H., R.N. is the Executive Officer of the
26 Board of Registered Nursing. She brought this action solely in her official capacity and is
27 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Anne
28 Hunter, Deputy Attorney General.

2. Judy Catherine VanArsdale aka Judy Peng aka, Judy C. Van Arsdale, aka, Judy Catherine Peng, aka, Judy Catherine Vanardele, aka, Judy Catherine Van Ardele, aka, Judy Catherin Van Arsdale, aka, Judy Catherine Van Arsdale, aka Judy Catherine Van Arsdale (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about August 31, 1985, the Board of Registered Nursing issued Registered Nurse License No. 390017 to Respondent Judy Catherine VanArsdale. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2005-209 and will expire on September 30, 2007, unless renewed.

4. On or about November 15, 1993, the Board of Registered Nursing issued Public Health Nurse Certificate No. 51000 to Respondent Judy Catherine VanArsdale. The Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2005-209 and will expire on September 30, 2007, unless renewed.

JURISDICTION

5. Accusation No. 2005-209 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 12, 2005. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2005-209 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2005-209. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to

1 reconsideration and court review of an adverse decision; and all other rights accorded by the
2 California Administrative Procedure Act and other applicable laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
4 each and every right set forth above.

5 **CULPABILITY**

6 9. Respondent admits the truth of each and every charge and allegation in
7 Accusation No. 2005-209.

8 10. Respondent agrees that her Registered Nurse License No. 390017 and
9 Public Health Nurse Certificate No. 51000 are subject to discipline and she agrees to be bound by
10 the Board's imposition of discipline as set forth in the Disciplinary Order below.

11 **CIRCUMSTANCES IN MITIGATION**

12 11. Respondent has never been the subject of any disciplinary action. She is
13 admitting responsibility at an early stage in the proceedings.

14 **CONTINGENCY**

15 12. The parties understand and agree that facsimile copies of this Stipulated
16 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
17 force and effect as the originals.

18 13. In consideration of the foregoing admissions and stipulations, the parties
19 agree that the Board may, without further notice or formal proceeding, issue and enter the
20 following Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Registered Nurse License No. 390017 and Public
23 Health Nurse Certificate No. 51000 issued to Respondent Judy Catherine VanArsdale, aka Judy
24 Peng aka, Judy C. Van Arsdale, aka, Judy Catherine Peng, aka, Judy Catherine Vanardele, aka,
25 Judy Catherine Van Ardele, aka, Judy Catherin Van Arsdale, aka, Judy Catherine Van Arsdale,
26 aka Judy Catherine Van Arsdale, are revoked. However, the revocation is stayed and Respondent
27 is placed on probation for five (5) years on the following terms and conditions. As is specified
28 by Condition 1, below, a condition precedent to the commencement or continuation of

1 Respondent's practice as a registered nurse shall be the determination by a mental health
2 practitioner approved by the Board that Respondent is capable of safely performing the duties
3 and functions thereof.

4 **Severability Clause.** Each condition of probation contained herein is a separate
5 and distinct condition. If any condition of this Order, or any application thereof, is declared
6 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
7 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
8 and enforceable to the fullest extent permitted by law.

9 **1. Mental Health Examination.** As of the effective date of this Decision,
10 Respondent shall be suspended from practicing, and/or shall not practice, as a registered nurse,
11 unless and until (a) she has undergone a mental health examination, including such psychological
12 testing as is deemed appropriate by the examiner, (b) the examining mental health practitioner
13 has submitted a written report of that assessment and any recommendations to the Board, and (c)
14 the examining mental health practitioner has determined that Respondent is able to practice her
15 profession safely. The examination must be performed by a psychiatrist, psychologist or other
16 licensed mental health practitioner approved by the Board. All costs for the examination(s)
17 and/or the reporting(s) are the responsibility of Respondent. Respondent shall institute and
18 follow any recommendations for treatment, therapy or counseling made as a result of the mental
19 health examination.

20 Any time after Respondent has signed the stipulation authorizing the Board to
21 adopt this Decision and prior to the Board's adoption of this Decision, Respondent may, as a
22 means of seeking to prevent any interruption in her practice as a registered nurse, contact the
23 Board or its designee, arrange for examining mental health practitioner approval, undergo the
24 above-referenced mental health evaluation, and arrange for submission of the above-referenced
25 written assessment. However, if Respondent exercises this option, she understands that she does
26 so without any promise or guarantee that the Board will adopt this Decision. No action by the
27 Board or its designee to cooperate with any such efforts shall affect the right of the Board to
28 reject this Stipulated Settlement and Disciplinary Order.

1 If the Board-approved examining mental health practitioner's written assessment
2 shows that Respondent was determined to be unable to practice safely as a registered nurse,
3 Respondent shall immediately cease practice, be suspended from practice or remain suspended
4 from practice, and may not resume the practice of registered nursing, until the Board notifies her
5 that a mental health evaluation permits her to resume such practice. Any subsequent mental
6 health examination(s) shall be performed, if feasible, by the same examining mental health
7 practitioner.

8 During any period of suspension, Respondent shall not engage in any practice for
9 which a license issued by the Board is required. During the suspension period, all probation
10 conditions are in full force and effect except those relating to actual nursing practice. This period
11 of suspension will not apply to the reduction of the probationary time period.

12 **2. Therapy or Counseling Program.** If recommended by the examining
13 mental health practitioner and approved by the Board or its designee, Respondent shall, at her
14 expense, participate in an on-going counseling program until such time as the counselor
15 recommends Respondent's discontinuation to the Board and the Board releases Respondent from
16 this requirement. Written progress reports from the counselor will be required at intervals
17 determined by the Board or its designee.

18 **3. Obey All Laws.** Respondent shall obey all federal, state and local laws.
19 A full and detailed account of any and all violations of law shall be reported by Respondent to
20 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
21 compliance with this condition, Respondent shall submit completed fingerprint forms and
22 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
23 as part of the licensure application process.

24 **Criminal Court Orders:** If Respondent is under criminal court orders, including
25 probation or parole, and the order is violated, this shall be deemed a violation of these probation
26 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

27 **4. Comply with the Board's Probation Program.** Respondent shall fully
28 comply with the conditions of the Probation Program established by the Board and cooperate

1 with representatives of the Board in its monitoring and investigation of the Respondent's
2 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
3 within no more than 15 days of any address change and shall at all times maintain an active,
4 current license status with the Board, including during any period of suspension.

5 Upon successful completion of probation, Respondent's license shall be fully
6 restored.

7 **5. Report in Person.** Respondent, during the period of probation, shall
8 appear in person at interviews/meetings as directed by the Board or its designated
9 representatives.

10 **6. Residency, Practice, or Licensure Outside of State.** Periods of
11 residency or practice as a registered nurse outside of California shall not apply toward a reduction
12 of this probation time period. Respondent's probation is tolled, if and when she resides outside
13 of California. Respondent must provide written notice to the Board within 15 days of any change
14 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
15 returning to practice in this state.

16 Respondent shall provide a list of all states and territories where she has ever been
17 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
18 provide information regarding the status of each license and any changes in such license status
19 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
20 new nursing license during the term of probation.

21 **7. Submit Written Reports.** Respondent, during the period of probation,
22 shall submit or cause to be submitted such written reports/declarations and verification of actions
23 under penalty of perjury, as required by the Board. These reports/declarations shall contain
24 statements relative to Respondent's compliance with all the conditions of the Board's Probation
25 Program. Respondent shall immediately execute all release of information forms as may be
26 required by the Board or its representatives.

27 Respondent shall provide a copy of this Decision to the nursing regulatory agency
28 in every state and territory in which she has a registered nurse license.

1 8. **Function as a Registered Nurse.** Respondent, during the period of
2 probation, shall engage in the practice of registered nursing in California for a minimum of 24
3 hours per week for 6 consecutive months or as determined by the Board.

4 For purposes of compliance with the section, "engage in the practice of registered
5 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
6 work in any non-direct patient care position that requires licensure as a registered nurse.

7 The Board may require that advanced practice nurses engage in advanced practice
8 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
9 Board.

10 If Respondent has not complied with this condition during the probationary term,
11 and Respondent has presented sufficient documentation of her good faith efforts to comply with
12 this condition, and if no other conditions have been violated, the Board, in its discretion, may
13 grant an extension of Respondent's probation period up to one year without further hearing in
14 order to comply with this condition. During the one year extension, all original conditions of
15 probation shall apply.

16 9. **Employment Approval and Reporting Requirements.** Respondent
17 shall obtain prior approval from the Board before commencing or continuing any employment,
18 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
19 performance evaluations and other employment related reports as a registered nurse upon request
20 of the Board.

21 Respondent shall provide a copy of this Decision to her employer and immediate
22 supervisors prior to commencement of any nursing or other health care related employment.

23 In addition to the above, Respondent shall notify the Board in writing within
24 seventy-two (72) hours after she obtains any nursing or other health care related employment.
25 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
26 terminated or separated, regardless of cause, from any nursing, or other health care related
27 employment with a full explanation of the circumstances surrounding the termination or
28 separation.

1 10. **Supervision.** Respondent shall obtain prior approval from the Board
2 regarding Respondent's level of supervision and/or collaboration before commencing or
3 continuing any employment as a registered nurse, or education and training that includes patient
4 care.

5 Respondent shall practice only under the direct supervision of a registered nurse
6 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
7 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
8 are approved.

9 Respondent's level of supervision and/or collaboration may include, but is not
10 limited to the following:

11 (a) Maximum - The individual providing supervision and/or collaboration is
12 present in the patient care area or in any other work setting at all times.

13 (b) Moderate - The individual providing supervision and/or collaboration is in
14 the patient care unit or in any other work setting at least half the hours Respondent works.

15 (c) Minimum - The individual providing supervision and/or collaboration has
16 person-to-person communication with Respondent at least twice during each shift worked.

17 (d) Home Health Care - If Respondent is approved to work in the home health
18 care setting, the individual providing supervision and/or collaboration shall have person-to-
19 person communication with Respondent as required by the Board each work day. Respondent
20 shall maintain telephone or other telecommunication contact with the individual providing
21 supervision and/or collaboration as required by the Board during each work day. The individual
22 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
23 site visits to patients' homes visited by Respondent with or without Respondent present.

24 11. **Employment Limitations.** Respondent shall not work for a nurse's
25 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
26 traveling nurse, or for an in-house nursing pool.

27 Respondent shall not work for a licensed home health agency as a visiting nurse
28 unless the registered nursing supervision and other protections for home visits have been

1 approved by the Board. Respondent shall not work in any other registered nursing occupation
2 where home visits are required.

3 Respondent shall not work in any health care setting as a supervisor of registered
4 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
5 nurses and/or unlicensed assistive personnel on a case-by-case basis.

6 Respondent shall not work as a faculty member in an approved school of nursing
7 or as an instructor in a Board approved continuing education program.

8 Respondent shall work only on a regularly assigned, identified and predetermined
9 worksite(s) and shall not work in a float capacity.

10 If Respondent is working or intends to work in excess of 40 hours per week, the
11 Board may request documentation to determine whether there should be restrictions on the hours
12 of work.

13 12. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
14 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
15 than six months prior to the end of her probationary term.

16 Respondent shall obtain prior approval from the Board before enrolling in the
17 course(s). Respondent shall submit to the Board the original transcripts or certificates of
18 completion for the above required course(s). The Board shall return the original documents to
19 Respondent after photocopying them for its records.

20 13. **Cost Recovery.** The Board's investigation and enforcement costs through
21 July 19, 2005, are \$9,289.25. However, in consideration of Respondent's Chapter 7 Bankruptcy
22 filing in U.S. Bankruptcy Court, Case No. RS 05-17425-MG, the Board shall not seek to recover
23 the investigation and enforcement costs to which it would otherwise be entitled pursuant to
24 Business and Professions Code section 125.3.

25 14. **Violation of Probation.** If Respondent violates the conditions of her
26 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
27 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
28 license and certificate.

1 If during the period of probation, an accusation or petition to revoke probation has
2 been filed against Respondent's registered nurse license or public health nurse certificate or the
3 Attorney General's Office has been requested to prepare an accusation or petition to revoke
4 probation against Respondent's license or certificate, the probationary period shall automatically
5 be extended and shall not expire until the accusation or petition has been acted upon by the
6 Board.

7 15. **License Surrender.** During Respondent's term of probation, if she ceases
8 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
9 probation, Respondent may surrender her license to the Board. The Board reserves the right to
10 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
11 take any other action deemed appropriate and reasonable under the circumstances, without
12 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
13 will no longer be subject to the conditions of probation.

14 Surrender of Respondent's license shall be considered a disciplinary action and
15 shall become a part of Respondent's license history with the Board. A registered nurse whose
16 license has been surrendered may petition the Board for reinstatement no sooner than the
17 following minimum periods from the effective date of the disciplinary decision:

18 (1) Two years for reinstatement of a license that was surrendered for any
19 reason other than a mental or physical illness; or

20 (2) One year for a license surrendered for a mental or physical illness.

21
22 **ACCEPTANCE**

23 I have carefully read the Stipulated Settlement and Disciplinary Order. I
24 understand the stipulation and the effect it will have on my Registered Nurse License No. 390017
25 and Public Health Nurse Certificate No. 51000. I enter into this Stipulated Settlement and

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1 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
2 Decision and Order of the Board.

3 DATED: 11/15/2005.


4
5 
6 JUDY CATHERINE VANARSDALE AKA JUDY PENG
7 Respondent

8
9 **ENDORSEMENT**

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Board.

12
13 DATED: 11-18-05.

14 BILL LOCKYER, Attorney General
15 of the State of California

16 
17 ANNE HUNTER
18 Deputy Attorney General

19 Attorneys for Complainant

20
21 DOJ Matter ID: LA2005500375
22 09206B67.wpd

Exhibit A
Accusation No. 2005-209

1 BILL LOCKYER, Attorney General
of the State of California
2 ANNE HUNTER, State Bar No. 136982
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2114
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2005-209*

12 JUDY CATHERINE VANARSDALE
a.k.a., JUDY PENG
13 a.k.a., JUDY C. VAN ARSDALE
a.k.a., JUDY CATHERINE PENG
14 a.k.a., JUDY CATHERINE VANARDELE
a.k.a., JUDY CATHERINE VAN ARDELE
15 a.k.a., JUDY CATHERIN VAN ARSDALE
a.k.a., JUDY CATHERINE VAN ARSDALE
16 P.O. Box 501
Loma Linda, CA 92354

ACCUSATION

17 Registered Nursing License No. 390017
18 Public Health Nursing Certificate No. 51000

19 Respondent.

20
21 Complainant alleges:

22 **PARTIES**

- 23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
24 solely in her official capacity as the Executive Officer of the Board of Registered Nursing.
- 25 2. On or about August 31, 1985, the Board of Registered Nursing issued
26 Registered Nursing License No. 390017, to Judy Catherine VanArsdale, also known as, Judy
27 Peng, Judy C. Van Arsdale, Judy Catherine Peng, Judy Catherine Vanardele, Judy Catherine Van
28 Ardele, Judy Catherin Van Arsdale, and Judy Catherin Van Arsdale (Respondent). The

1 Registered Nursing License was in full force and effect at all times relevant to the charges
2 brought herein and will expire on September 30, 2005, unless renewed.

3 3. On or about November 15, 1993, the Board of Registered Nursing issued
4 Public Health Nursing Certificate No. 51000 to Respondent. The Public Health Nursing
5 Certificate was in full force and effect at all times relevant to the charges brought herein and will
6 expire on September 30, 2005, unless renewed.

7 JURISDICTION

8 4. This Accusation is brought before the Board of Registered Nursing
9 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
10 references are to the Business and Professions Code unless otherwise indicated.

11 STATUTORY PROVISIONS

12 5. Section 2750 of the Business and Professions Code (Code) provides, in
13 pertinent part, that the Board may discipline any licensee, including a licensee holding a
14 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
15 2750) of the Nursing Practice Act.

16 6. Section 2764 of the Code provides, in pertinent part, that the expiration of
17 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
18 against the licensee or to render a decision imposing discipline on the license. Under section
19 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
20 the expiration.

21 7. Section 2761 of the Code states:

22 "The board may take disciplinary action against a certified or licensed nurse or
23 deny an application for a certificate or license for any of the following:

24 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

25 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed
26 nursing functions."

27 "

28 \\\

1 “(b) Procuring his or her certificate or license by fraud, misrepresentation, or
2 mistake.

3 ...

4 “(d) Violating or attempting to violate, directly or indirectly, or assisting in or
5 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
6 Nursing Practice Act] or regulations adopted pursuant to it.

7 “(e) Making or giving any false statement or information in connection with the
8 application for issuance of a certificate or license.

9 “(f) Conviction of a felony or of any offense substantially related to the
10 qualifications, functions, and duties of a registered nurse, in which event the record of the
11 conviction shall be conclusive evidence thereof.”

12 8. Section 490 of the Code states:

13 “A board may suspend or revoke a license on the ground that the licensee has
14 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
15 duties of the business or profession for which the license was issued. A conviction within the
16 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
17 contendere. Any action which a board is permitted to take following the establishment of a
18 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
19 been affirmed on appeal, or when an order granting probation is made suspending the imposition
20 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
21 Penal Code.”

22 9. California Code of Regulations, title 16, section 1444, states:

23 “A conviction or act shall be considered to be substantially related to the
24 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
25 present or potential unfitness of a registered nurse to practice in a manner consistent with the

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1 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
2 following:

3 “(a)

4 “(b)

5 “(c) Theft, dishonesty, fraud, or deceit.”

6 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
7 request the administrative law judge to direct a licentiate found to have committed a violation or
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
9 and enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction of Substantially Related Crimes)**

12 11. Respondent is subject to disciplinary action under section 2761,
13 subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section
14 1444, in that Respondent has been convicted of crimes substantially related to the qualifications,
15 functions or duties of a registered nurse, as follows:

16 A. On or about December 14, 1999, Respondent was convicted by the court
17 on a guilty plea for violating one count of Penal Code section 459 (burglary: second degree), a
18 felony, in the Superior Court of California, County of Riverside, Indio Branch, case entitled
19 *People v. Judy Catherine VanArsdale*, Case No. RIF 088285.

20 B. The circumstances surrounding the conviction are that on or about
21 October 15, 1999, Respondent wilfully and unlawfully, entered a Costco store located at 480 N.
22 McKinley, Corona, CA, with the intent to commit theft.

23 C. On or about January 19, 1993, Respondent was convicted by the court for
24 violating one count of Penal Code sections 484 (theft), a misdemeanor, 488 (petty theft), a
25 misdemeanor, and 666 (petty theft with a prior), a misdemeanor, in the Superior Court of
26 California, County of Orange, Santa Ana Branch, case entitled *People v. Judy Catherine*
27 *VanArsdale*, Case No. 93CM00254.

28 D. The circumstances surrounding the conviction are that on or about

1 December 16, 1992, Respondent wilfully and unlawfully stole, took, and carried away women's
2 clothing from a Nordstrom department store located at 2820 North Main in Santa Ana,
3 California.

4 E. On or about December 15, 1992, Respondent was convicted by the court
5 on a guilty plea for violating one count of Penal Code section 666 (petty theft with a prior), a
6 misdemeanor, in the Superior Court of California, County of San Bernardino, Redlands Branch,
7 case entitled *People v. Judy Catherine VanArsdale*, Case No. MRE 15011.

8 F. The circumstances surrounding the conviction are that on or about
9 November 27, 1992, Respondent wilfully and unlawfully stole, took, and carried away the
10 personal property of a Harris Department Store located at 200 Redlands Mall in Redlands,
11 California.

12 G. On or about November 30, 1992, Respondent was convicted by the court
13 on a guilty plea for violating one count of Penal Code section 666 (theft with priors), a
14 misdemeanor, in the Superior Court of California, County of San Bernardino, San Bernardino
15 Branch, case entitled *People v. Judy Catherine VanArsdale*, Case No. MSB 61536.

16 H. The circumstances surrounding the conviction are that on or about
17 December 5, 1990, Respondent wilfully and unlawfully stole, took, and carried away the
18 personal property of Stater Brothers Market #81 located 11235 Mt. View in Loma Linda,
19 California.

20 I. On or about September 12, 1989, Respondent was convicted by the court
21 for violating one count of Penal Code section 490.5 (petty theft: retail merchandise), a
22 misdemeanor, in the Superior Court of California, County of Riverside, Riverside Branch, case
23 entitled *People v. Judy Catherine VanArsdale*, Case No. 225713.

24 J. The circumstances surrounding the conviction are that on or about July
25 17, 1989, Respondent wilfully and unlawfully stole, took, and carried away the personal property
26 of a Sears department store located at 5261 Arlington in Riverside, California.

27 K. On or about February 5, 1988, Respondent was convicted by the court for
28 violating one count of Penal Code sections 459 (burglary: second degree), a misdemeanor, 484

1 (theft), a misdemeanor, and 488 (petty theft), a misdemeanor, in the Superior Court of California,
2 County of Orange, Newport Beach Branch, case entitled *People v. Judy Catherine VanArsdale*,
3 Case No. CMH M59510.

4 L. The circumstances surrounding the conviction are that on or about
5 December 8, 1987, Respondent wilfully and unlawfully, entered a building, with the intent to
6 commit theft and a felony, and stole, took, and carried away the personal property of another.

7 M. On or about August 4, 1982, Respondent was convicted by the court for
8 violating one count of Penal Code section 484, subdivision (a) (petty theft), a misdemeanor, in
9 the Superior Court of California, County of Los Angeles, Santa Anita Branch, case entitled
10 *People v. Judy Catherine VanArsdale*, Case No. M50078.

11 N. The circumstances surrounding the conviction are that on or about June
12 24, 1982, Respondent wilfully and unlawfully stole, took, and carried away the personal property
13 of The Broadway Store located at 400 South Baldwin Avenue in Arcadia, California.

14 SECOND CAUSE FOR DISCIPLINE

15 (Fraud, Misrepresentation, or Mistake)

16 12. Respondent is subject to disciplinary action under section 2761,
17 subdivisions (a) and (b), for unprofessional conduct, in that on or about April 18, 1985,
18 Respondent procured her registered nursing license by fraud, misrepresentation, or mistake, by
19 misrepresenting her conviction status on her application and indicating that she had never been
20 convicted of any offense. In fact, as set forth more fully in paragraph 11 above, she had been
21 convicted on August 4, 1982, of petty theft (violation of Penal Code section 482).

22 THIRD CAUSE FOR DISCIPLINE

23 (False Statement or Information)

24 13. Respondent is subject to disciplinary action under section 2761,
25 subdivisions (a) and (e), for unprofessional conduct, in that on or about April 18, 1985,
26 Respondent made a false statement on her application for license by examination, by answering
27 "NO" to question no. 8f, "Have you ever been convicted of any offense, other than minor traffic
28 violations," as more fully set forth in paragraph 11 above.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 14. Respondent is subject to disciplinary action under section 2761,
4 subdivisions (a) and (d), for unprofessional conduct. On or about April 19, 2004, respondent
5 entered the California Hospital Medical Center in Los Angeles, California, thereby violating the
6 hospital's instruction not to enter the hospital premises except to seek medical attention, and
7 asked for a refund of parking fees she had allegedly paid there on or about December 5, 2002.
8 The circumstances giving rise to the hospital's stay away instruction were that on or about
9 December 5, 2002, hospital security had found respondent trespassing on the premises and
10 exhibiting bizarre behavior. On that date respondent had in her possession copies of patient
11 records, hospital policies and procedures, amateur photo ID's along with supplies for making
12 them, and flight and manifest information for the Los Angeles Port Ships and Los Angeles
13 International Airport. From approximately May 2002 to approximately September 2, 2002,
14 respondent had worked in the hospital's Intensive Care Unit as a registry nurse.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein
17 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nursing License No. 390017, issued to
19 Judy Catherine VanArsdale, also known as, Judy Peng, Judy C. Van Arsdale, Judy Catherine
20 Peng, Judy Catherine Vanardele, Judy Catherine Van Ardele, Judy Catherin Van Arsdale, and
21 Judy Catherin Van Arsdale;

22 2. Revoking or suspending Public Health Nursing Certificate No. 51000,
23 issued to Judy Catherine VanArsdale;

24 3. Ordering Judy Catherine VanArsdale to pay the Board of Registered

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26 \\\

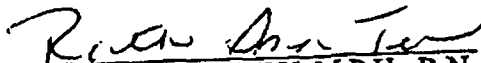
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1 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
2 Business and Professions Code section 125.3; and

3 4. Taking such other and further action as deemed necessary and proper.

4 DATED: 2/2/05

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6 
7 RUTH ANN TERRY, M.P.H., R.N.
8 Executive Officer
9 Board of Registered Nursing
10 State of California
11 Complainant
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